

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

XAVIER MACK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NUMBER:
	)	CV-13-
	)	JURY DEMAND
	)	
COLORWORKS PAINTING	)	
COMPANY, LLC,	)	
	)	
Defendant.	)	

## **COMPLAINT**

### **I. JURISDICTION**

1. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. §1981.  
  
The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 42 U.S.C. §1981 providing for injunctive and other relief against race discrimination in employment.
2. The plaintiff is filing his race discrimination lawsuit within four years of his discriminatory termination on December 3, 2013.

### **II. PARTIES**

3. Plaintiff, Xavier Mack, is a male African-American citizen of the United

States and a resident of the State of Alabama. The plaintiff was employed by the defendant in Birmingham, Jefferson County, Alabama prior to his discriminatory discharge.

4. Defendant, Colorworks Painting Company, LLC (Colorworks and/or defendant), is an entity subject to suit under 42 U.S.C. §1981.

### **III. FACTUAL ALLEGATIONS**

5. The plaintiff re-alleges and incorporates by reference paragraphs 1-4 with the same force and effect as if fully set out in specific detail hereinbelow.
6. The plaintiff has been discriminated against in termination, layoff and other adverse terms and conditions of employment because of his race.
7. The plaintiff had been employed with the defendant from February 2010 until his termination/layoff. At the time of his termination/layoff, the plaintiff was a painter.
8. At the time, the plaintiff was terminated/laid off, the defendant retained a white male, who had only been employed for approximately three (3) weeks. Plaintiff had been employed for approximately 2 years and 9 months at the time of his termination/layoff.
9. During the plaintiff's employment, he performed his duties and

responsibilities in a satisfactory manner and had not been written up and/or counseled for poor work performance

10. The defendant's proffered reasons for termination were pretext for race discrimination.
11. The plaintiff seeks to redress the wrongs alleged herein and this suit for back-pay plus interest, an injunctive and declaratory judgment is his only means of securing adequate relief. The plaintiff is now suffering and will continue to suffer irreparable injury from the defendant's unlawful policies and practices as set forth herein unless enjoined by this Court.

#### **IV. PRAYER FOR RELIEF**

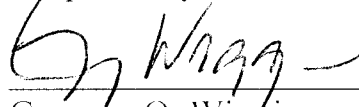
WHEREFORE, the plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

1. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the defendant are violative of the rights of the plaintiff as secured by 42 U.S.C. §1981.
2. Grant plaintiff a permanent injunction enjoining the defendant, its agents, successors, employees, attorneys and those acting in concert with the defendant and at the defendant's request from continuing to

violate 42 U.S.C. §1981.

3. Enter an order requiring the defendant to make the plaintiff whole by awarding him the position he would have had occupied in the absence of race discrimination, back-pay (plus interest), front-pay, punitive and compensatory damages and/or nominal damages, declaratory and injunctive relief, and benefits.
4. The plaintiff further prays for such other relief and benefits as the cause of justice may require, including but not limited to, an award of costs, attorney's fees and expenses.

Respectfully submitted,



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Gregory O. Wiggins

Kevin W. Jent

Counsel for the Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, QUINN & PANTAZIS, LLC

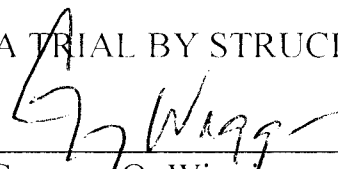
The Kress Building

301 19<sup>th</sup> Street North

Birmingham, Alabama 35203

205/314-0500

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY

  
\_\_\_\_\_  
Gregory O. Wiggins  
Kevin W. Jent

**DEFENDANT'S ADDRESS:**

Serve via Certified Mail:

ColorWorks Painting Company, LLC  
c/o Registered Agent: CSC Lawyers Incorporating SVC, Inc.  
150 South Perry Street  
Montgomery, Alabama 36104